

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HUBERT WARREN,

Petitioner,

VS.

DOUGLAS DRETKE, Director
Texas Department of Criminal Justice,
Correctional Institutions Division

Respondent.

§
§
§
§
§
§
§
§
§
§

NO. 3-04-CV-0496-D


ORDER

After conducting a review of the pleadings, files, and records in this case, and the findings and recommendation of the United States Magistrate Judge, in accordance with 28 U.S.C. § 636(b)(1), I am of the opinion that the findings and recommendation of the magistrate judge are correct, and they are hereby accepted as the findings of the court.

In adopting the recommendation of the magistrate judge, the court clarifies that the provision of the judgment that prohibits petitioner from filing Fed. R. Civ. P. 60(b) motions or otherwise challenging his state criminal conviction in federal court, unless he obtains permission from a three-judge panel of the court of appeals to file a successive application for habeas relief, does not apply to a Rule 60(b) motion that attacks “some defect in the integrity of the federal habeas proceedings.” *Gonzalez v. Crosby*, ___ U.S. ___, 125 S.Ct. 2641, 2648 (2005).

SO ORDERED.

June 9, 2006.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE